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OGC HAS REVIEWED.

21 JAN 1969

MEMORANDUM FOR: [REDACTED]

STATINTL
STATINTL

SUBJECT : Home Leave and Overseas Travel Rights

STATINTL

REFERENCE : Memo dtd 16 Jan 69 to [REDACTED]
[REDACTED], OP, same subject

OGC fr [REDACTED]

STATINTL

1. I would like your review of some additional aspects of the question posed in paragraph 4 of Referent Memorandum.

2. If your Office confirms that a subsequent overseas tour following home leave without an intervening tour in the United States is but a continuation of overseas service for the purpose of determining return travel rights, your opinion is requested whether travel at Government expense, at any time during the subsequent tour, is an employee entitlement which cannot be set aside by administrative policy or regulatory change. More specifically, could the Agency legally require all employees to sign a service agreement upon which overseas travel rights are predicated irrespective of the employee's last PCS point (United States or overseas post)?

[REDACTED]
Deputy Chief, Plans and Analysis Division
Office of Personnel

STATINTL

September 6, 1960

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Pub. Law 86-707

"(f) Upon completion of twenty-four months of continuous service outside the United States, officers and employees may be granted, in accordance with regulations of the President, leave of absence at a rate not to exceed one week for each four months of such service without regard to any other leave provided by this title, for use in the United States, or, if their respective places of residence are outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States. Such leave so granted may be accumulated for future use without regard to the limitation in subsection (d) of this section but no such leave shall be made the basis for any terminal leave or for any lump-sum payment."

SEC. 402. (a) Section 202(b)(2) of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061(b)(2)), is amended to read as follows:

"(2) This title, except section 203(g), shall not apply to alien employees who occupy positions outside the United States. Exceptions.

(b) Section 203(g) of such Act, as amended (5 U.S.C. 2062(g)), is amended by striking out "the several States and the District of Columbia" and inserting in lieu thereof "the United States".

(c) Section 202 of such Act, as amended (5 U.S.C. 2061), is amended by adding at the end of such section the following new subsection:

"(d) As used in this title, the term 'United States' means the several States of the United States of America and the District of Columbia." "United States".

SEC. 403. The amendments made by this title to the Annual and Sick Leave Act of 1951, as amended, shall take effect on the first day of the first pay period following the date of enactment of this Act. Effective date.

TITLE V—APPROPRIATION, REPEAL, AMENDATORY, AND MISCELLANEOUS PROVISIONS

PART A—APPROPRIATION PROVISIONS

SEC. 501. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act and the amendments made by this Act.

(b) Appropriations or funds otherwise available, for the fiscal year ending June 30, 1960, to any department, agency, establishment or corporation of the Government of the United States of America within the purview of this Act or of any amendment made by this Act are hereby made available for the purposes of this Act and of any such amendment in accordance with the authority contained in this Act or contained in any law amended by this Act and in accordance with such regulations as the President may prescribe.

PART B—REPEAL AND AMENDATORY PROVISIONS

SEC. 511. (a) The following provisions of law are hereby repealed:

(1) Sections 443, 902, 903, and 911(9) of the Foreign Service Act of 1946, as amended (60 Stat. 1006, 1026, and 1026; 69 Stat. 27; 22 U.S.C. 888, 1132, 1133, and 1136(9));

(2) Sections 2(b), 13, and 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (70 Stat. 890, 892; Public Law 885, Eighty-fourth Congress; 5 U.S.C. 170g(b), 170r, and 170s); and

(3) Sections 1(d) and 4(b) of the Central Intelligence Agency Act of 1949, as amended (63 Stat. 208 and 211; 50 U.S.C. 403a(d) and 403e(b)).

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- Request Tours - (C) James Service Overseas*
TRAVEL Voucher
- s. **USUALLY TRAVELED ROUTE.** One or more routes which are essentially the same in cost to the Government and in travel time. Selection of usually traveled routes will depend on the authorized mode or combination of modes, and is subject to the provisions of paragraphs 12 and 13 restricting use of foreign carriers.

4. AUTHORIZATION OR APPROVAL. Official travel and transportation expenses may be authorized or approved only for purposes which are clearly in the best interests of the Government.

- a. **TRAVEL ORDERS.** Written authorization or approval by an authorizing official is required for the payment of expenses from Government funds. Travel shall not be commenced before the issuance of a written travel order except when circumstances in a particular case preclude prior written authorization. In these exceptional cases, the travel order shall be issued as soon as possible, or the travel authorizing official may indicate his approval by signature on the travel voucher. Except as provided in subparagraph 7a(1)(c) below, travel orders may not be amended to change any standard of reimbursement with respect to travel already performed.
- b. **SERVICE AGREEMENT FOR ASSIGNMENT ABROAD.** Expenses of travel and transportation incident to appointment to a post abroad or transfer from CONUS to a post abroad shall not be allowed unless the employee agrees in writing to remain at his assigned post for a period of not less than one nor more than three years prescribed in advance by the Director of Personnel. If the agreement is breached by the employee during the first year of duty at the post, expenditures for travel and transportation to the post, including per diem while at headquarters and storage of effects, shall be reimbursed by the employee. If the agreement is breached by the employee during or after the first year of duty, return travel or shipment of effects at Government expense shall not be allowed. The Director of Personnel, after consultation with the Operating Official concerned, shall determine whether the employee has breached his service agreement and, if so, shall immediately inform the Director of Finance.
- c. **SUPPORT BY ARMED SERVICES.** Travel and transportation services to be provided by the armed services at the request of and in support of the Agency shall be documented by an appropriate military authorization. Procedures for issuing and processing requests for military authorizations are prescribed in

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5. AUTHORITIES AND RESPONSIBILITIES. To the extent that funds are available for obligation, and the travel is otherwise consistent with this regulation, authorizing officials may authorize, approve, and amend travel orders for themselves, and for personnel under their jurisdiction, subject to the following:

- a. Authorizing officials not under the jurisdiction of the Deputy Director for Plans shall obtain prior concurrence of the Deputy Director for Plans in all authorizations of travel abroad.
- b. Authorizing officials shall obtain prior concurrence of the official having jurisdiction over a domestic field installation, in all authorizations of travel to it.

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Revised: 9 September 1965 (262)
Effective: 1 November 1965

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